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OFFICE OF PETITIONS

In re Application of :
Alex Kuo-Shen Wang :
Application No. 10/767,159 : DECISION ON PETITION
Filed: January 28, 2004 :
Attorney Docket No. 1211050 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 2, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on November 3, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, \$395 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of \$750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of August 2, 2006 is accepted as being unintentionally delayed.

Petitioner has submitted the petition to revive and the RCE in a single document. Petitioner should in the future comply with the provisions of 37 CFR 1.4(c) since each distinct subject should be contained in a separate paper to avoid confusion and delay in processing papers dealing with different subjects.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to

Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. A copy of this decision is being mailed to the address noted on the petition. However, until otherwise properly instructed, all future correspondence will be mailed to the above-noted address of record.

This application is being referred to Technology Center AU 2853 for processing the request for continued examination and for appropriate action in the normal course of business on the submission under 37 CFR 1.114 received November 3, 2006 (certificate of mailing date of October 31, 2006).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Ralph Willgohs
Pro-TECHTOR INTERNATIONAL SERVICES
20775 Norada Court
Saratoga, CA 95070-3018